

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of OSCAR A. ARGUELLO and U.S. POSTAL SERVICE,  
POST OFFICE, Hialeah, FL

*Docket No. 02-2192; Submitted on the Record;  
Issued January 13, 2003*

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DECISION and ORDER

Before ALEC J. KOROMILAS, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof to establish that he sustained an emotional condition causally related to factors of employment.

This case has been before the Board previously. By decision dated March 26, 2002, the Board found the case was not in posture for decision. Appellant established error and abuse on the part of the employing establishment with regard to harassment and received improper instructions. The Board remanded the case to the Office of Workers' Compensation Programs to determine if the March 12, 1996 harassment resulted in any condition, for which appellant would be entitled to medical benefits or any periods of disability, to be followed by a *de novo* decision.<sup>1</sup> The law and facts as set forth in the previous Board decision and order are incorporated herein by reference.

Subsequent to the Board's March 26, 2002 decision, in letters dated April 30 and June 20, 2002, the Office informed appellant that the employing establishment "did harass you on March 12, 1996, for unprofessional estimate of mail, failure to adhere to line of travel, extended lunch and unprofessional conduct." The Office requested that appellant provide a comprehensive medical report from his treating physician to include the cause of his condition and an explanation regarding how employment factors contributed to his condition.

In response, appellant submitted a report dated June 28, 2002, in which his treating psychiatrist, Dr. Julio C. Machado, advised that the event on April 9, 1996 "must have affected [appellant] greatly." Dr. Machado further stated:

"[I]n October 1987 he started to work for the [employing establishment] and begins to experience emotional problems around 1995. I believe that his

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<sup>1</sup> Docket No. 01-1445.

condition cannot be pinpointed to one particular incident but is more the sum of several incidents -- throughout time of employment.

“This intermittent exposure to these incidents at work have eroded in [sic] his self [e]steem, have given rise to heightened defense mechanisms and paranoid ideas and led to prominent somatization of his anxiety.”

By decision dated July 19, 2002, the Office denied appellant’s claim.

Appellant’s burden of proof is not discharged by the identification of a compensable work factor. To establish his claim for an emotional condition, appellant must also submit rationalized medical evidence establishing that he has an emotional condition and that such condition is causally related to the identified compensable work factor. By letters dated April 30 and June 20, 2002, the Office requested medical information from appellant, including a statement from his physician, which described his present condition and how it related to the established employment factor. Thus, in the instant case, while appellant established a compensable factor of employment, the medical evidence does not establish that this factor caused or contributed to his emotional condition. In the June 28, 2002 report, Dr. Machado, related appellant’s condition to an April 6, 1996 “event” and not to the established harassment that occurred on March 12, 1996. Furthermore, the physician advised that appellant’s condition was not caused by one particular incident but was caused by the sum of several incidents. His report is vague as to those factors he relied upon in basing an opinion on causal relationship as such, his report is of diminished probative value.<sup>2</sup> Appellant, therefore, failed to establish that his emotional condition is causally related to the established factor of employment.

The July 19, 2002 decision of the Office of Workers’ Compensation Programs is hereby affirmed.

Dated, Washington, DC  
January 13, 2003

Alec J. Koromilas  
Chairman

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>2</sup> See *Patricia M. Mitchell*, 48 ECAB 371 (1997).